

EXHIBIT F

C O N F I D E N T I A L

Page 1			Page 3		
UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA			I N D E X		
-----			2 EXHIBITS	DESCRIPTION	PAGE MARKED
In Re: Bair Hugger Forced Air Warming Products Liability Litigation			3 Ex 46	Van Duren curriculum vitae	7
-----			4 47	510(k) Summary of Safety & Effectiveness dated January 10,	
This Document Relates To: All Actions MDL No. 15-2666 (JNE/FLM)			5 1996,	3MBH00047382-3	64
-----			6 48	Letter dated June 1, 2000, Westlin to Office of Device	
DEPOSITION OF ALBERT P. VAN DUREN VOLUME I, PAGES 1 - 285 NOVEMBER 7, 2016			7 9	Evaluation, 3MBH00046971-2	71
(The following is the deposition of ALBERT P. VAN DUREN, taken pursuant to Notice of Taking Deposition, via videotape, at the offices of Ciresi Conlin L.L.P., 225 South 6th Street, Suite 4600, Minneapolis, Minnesota, commencing at approximately 8:57 o'clock a.m., November 7, 2016.)			10 49	E-mail string, 3MBH01031246	77
			11 50	E-mail string, 3MBH00126140-2	80
			12 51	E-mail, 3MBH00042651	87
			13 52	Forced-air warming blowers: An evaluation of filtration adequacy and airborne contamination	
			14 16	emissions in the operating room, by Albrecht, et al	89
			17 53	E-mail with attachment, 3MBH00107862-72	91
			18 20	54 Volcano Technical Team October 30, 2013 meeting minutes,	
			21 22	3MBH00147330	111
			23 24	55 E-mail with attachment, 3MBH00510508-11	112
			25	56 Letter dated February 11, 1998,	
Page 2			Page 4		
1 APPEARANCES:			1 Van Duren to Crothers,		
2 On Behalf of the Plaintiffs:			2 3MBH00931085		123
3 Jan M. Conlin and Michael A. Sacchet CIRESI CONLIN L.L.P.			3 57	E-mail string, 3MBH00025739	132
4 225 South 6th Street, Suite 4600 Minneapolis, Minnesota 55402			4 58	3M Bair Hugger Model 505 Warming Blanket Service Manual	135
5 Genevieve M. Zimmerman MESHBEKER & SPENCE, LTD.			6 59	E-mail string, 3MBH00003027-32	136
6 1616 Park Avenue Minneapolis, Minnesota 55404			7 60	E-mail string, 3MBH00003006-7	144
7 Gabriel Assaad			8 61	E-mail string, 3MBH00981248-9	148
8 KENNEDY HODGES			9 62	E-mail string, 3MBH00527331	160
9 4409 Montrose Boulevard, Suite 200 Houston, Texas 77006			10 63	E-mail string, 3MBH00001873-5	167
10 On Behalf of Defendants:			11 64	Cobra team document, 3MBH00973242-3	179
11 Jerry W. Blackwell and Peter J. Goss BLACKWELL BURKE P.A.			12 65	E-mail string, 3MBH00002508-12	184
12 432 South Seventh Street, Suite 2500 Minneapolis, Minnesota 55415			13 66	E-mail string, 3MBH00981250-1	189
13 ALSO APPEARING:			14 67	E-mail string, 3MBH01485746-7	199
14 Ronald M. Huber, Videographer			15 68	E-mail string, 3MBH00024639	208
15			16 69	E-mail string, 3MBH00001579	217
16			17 70	E-mail, 3MBH01523137	224
17			18 71	Augustine Medical AMI Model 750 Warming Unit, The Cobra	
18			19 20	Project, dated 9/20/2000,	
19			21 22	3MBH00975056-85	235
20			23 24	72 E-mail string, 3MBH00042660-1	246
21			25 73	E-mail string, 3MBH00511305-6	249
22				74 E-mail with attachment,	
23					
24					
25					

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1 3MBH00042623-50 253		1 Q. Okay. Who at Arizant was involved in that 2 process?
2 75 Forced-Air Warming Does Not Worsen 3 Air Quality in Laminar Flow 4 Operating Rooms, by Sessler, et 5 al 253		3 A. I don't know for certain. I'm -- I'm -- I'm 4 sure that the senior management was involved in those 5 discussions, but I -- I don't have personal knowledge 6 of exactly who was involved, other than my boss, Gary 7 Hansen.
6 76 Forced-air warming systems, OR 7 air quality, and orthopedic 8 SSI, by Van Duren, 3MBH01185189- 9 207 259		8 Q. Okay. And so you weren't involved in what 9 is known as the due diligence or the opening up of 10 documents for 3M to review to ascertain whether they 11 want to make the acquisition of Arizant?
10 77 Graph, Joint infection rate and 11 BH unit sales by year, 12 3MBH00554267 274		12 A. No.
13 78 E-mail, 3MBH00002647 279		13 Q. Okay. Do you know if Mr. Hansen was 14 involved?
14		15 A. I assume that he was. I don't know for 16 sure, but I assume that he was.
15		17 Q. Okay.
16		18 MR. BLACKWELL: And for the record, you 19 don't need to assume anything.
17		20 THE WITNESS: Okay.
18		21 MR. BLACKWELL: It's about what you know. 22 (Exhibit 46 was marked for 23 identification.)
19		24 BY MS. CONLIN:
20		25 Q. I have handed you, Mr. Van Duren, what's
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23		
24		
25		
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1 P R O C E E D I N G S 2 (Witness sworn.)		1 been marked as Deposition Exhibit No. 46, which I will 2 represent to you was a resume that was also produced 3 and marked at your deposition in the Walton case.
3 ALBERT P. VAN DUREN 4 called as a witness, being first duly sworn, 5 was examined and testified as follows:		4 MR. BLACKWELL: Just take a moment and you 5 can look through it.
6 ADVERSE EXAMINATION		6 A. Yes. Okay.
7 BY MS. CONLIN: 8 Q. Good morning, sir. Can you state your full 9 name for the record.		7 Q. Okay. And this -- this Deposition Exhibit 8 46, your resume, takes you up through -- it says 9 October 2014 through present. My understanding is 10 that at least since March of 2016 your new title has 11 been director of scientific affairs and education, 12 Patient Warming Business. Is that an addition that is 13 not reflected in Exhibit 46?
10 A. Albert Philip Van Duren.		14 MR. BLACKWELL: Object to the form of the 15 question.
11 Q. And by whom are you currently employed?		16 A. So in -- in March of 2016 I did become 17 director of scientific affairs for the Patient Warming 18 Business.
12 A. By 3M.		19 Q. Okay. And what are your duties and 20 responsibilities as director of scientific affairs and 21 education in the Patient Warming Business?
13 Q. How long have you been employed by 3M?		22 A. I interact with key opinion leaders and 23 scientific affairs -- scientific advisory board 24 members, I consult with the business about scientific 25 topics and clinical topics to help guide marketing
14 A. 3M acquired the company I worked for in 15 October of 2010, so since then.		
16 Q. Okay. And the company that you previously 17 worked at was Arizant?		
18 A. That's correct.		
19 Q. Okay. And prior to that time it was known 20 as Augustine Medical?		
21 A. Sometime before that, yes.		
22 Q. Okay. And were you involved, sir, in the 23 discussions between Arizant and 3M that gave rise to 24 the acquisition of Arizant by 3M in October of 2010?		
25 A. No.		

2 (Pages 5 to 8)

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<p>1 airflow in laminar airflow operating rooms.</p> <p>2 Q. And when was that work done, sir?</p> <p>3 MR. BLACKWELL: Object as asked and</p> <p>4 answered.</p> <p>5 A. Last year.</p> <p>6 Q. So in 2015.</p> <p>7 A. I believe so.</p> <p>8 Q. Okay. And this presentation was in 2014;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Now you mentioned on this page the</p> <p>12 Huang and Moretti studies, is that right, with your</p> <p>13 conclusion "Forced air warming systems do not worsen</p> <p>14 OR air quality," and you cite the Huang and Moretti</p> <p>15 articles; correct?</p> <p>16 A. I did, yes.</p> <p>17 Q. Okay. Well those -- those weren't</p> <p>18 laminal -- laminar flow studies; right, sir?</p> <p>19 A. I --</p> <p>20 Moretti was not. I'm not certain about</p> <p>21 Huang.</p> <p>22 Q. It was a bacterial-count study; wasn't it,</p> <p>23 sir?</p> <p>24 A. It was, but I don't know if it was conducted</p> <p>25 in a laminar airflow setting.</p>	<p>1 marked as Exhibit 77, which is a one-page chart.</p> <p>2 You prepared this; correct?</p> <p>3 A. I believe I did.</p> <p>4 Q. What was the purpose of it?</p> <p>5 A. My boss asked me to look -- compare the rate</p> <p>6 of Bair Hugger segment penetration with the rate of</p> <p>7 joint infections --</p> <p>8 Q. Okay.</p> <p>9 A. -- in the U.S.</p> <p>10 Q. And what data did you use to prepare this?</p> <p>11 A. Sales data for the Bair Hugger units, and</p> <p>12 the National Inpatient Survey sample for most of</p> <p>13 the -- well I think for all of the infection-rate</p> <p>14 data.</p> <p>15 Q. Okay. And do you remember what specific</p> <p>16 codes you used to compile this data?</p> <p>17 A. Well they are listed here, so they're ICD-9</p> <p>18 codes 996.66, and trying to remember -- so there --</p> <p>19 So the infection -- the infection rate was</p> <p>20 996.66, and those were divided by the procedure codes</p> <p>21 for hips and knees and maybe revision surgeries.</p> <p>22 Q. Do you know whether it included revision</p> <p>23 surgeries?</p> <p>24 A. I just did when I was doing this. I don't</p> <p>25 know why. It made sense to put that in the</p>
<p>Page 274</p> <p>1 Q. Well did you know, at the time you wrote</p> <p>2 this in your conclusions, to be presented to a group</p> <p>3 that's trying to make a decision whether to use Bair</p> <p>4 Hugger in -- in orthopedic surgeries?</p> <p>5 A. I -- I may have.</p> <p>6 Q. It was a -- it was --</p> <p>7 If I represented to you it wasn't a laminar</p> <p>8 flow situation, would you agree that this statement on</p> <p>9 here is -- is not a fair one?</p> <p>10 MR. BLACKWELL: I object for lack of</p> <p>11 foundation and -- and object to form of the question.</p> <p>12 A. Well I --</p> <p>13 The statement is that "Forced air warming</p> <p>14 systems do not worsen OR air quality." It doesn't say</p> <p>15 anything about laminar airflow.</p> <p>16 Q. Okay. So you would stand by that statement.</p> <p>17 A. Yes.</p> <p>18 MS. CONLIN: Okay. Why don't we take a</p> <p>19 break here.</p> <p>20 THE REPORTER: Off the record, please.</p> <p>21 (Recess taken.)</p> <p>22 (Exhibit 77 was marked for</p> <p>23 identification.)</p> <p>24 BY MS. CONLIN:</p> <p>25 Q. I've handed you, Mr. Van Duren, what's been</p>	<p>Page 276</p> <p>1 denominator.</p> <p>2 Q. Okay. I'm just asking if you know for sure</p> <p>3 that you included revisions in this graph.</p> <p>4 A. I'd have to actually look up these</p> <p>5 individual ICD-9 codes --</p> <p>6 Q. Well --</p> <p>7 A. -- and procedure codes.</p> <p>8 Q. -- 81.53 is the code for hip revisions. Do</p> <p>9 you see that on there anywhere?</p> <p>10 A. I don't.</p> <p>11 Q. Okay. And if we look at this graph, then,</p> <p>12 you've got two --</p> <p>13 Just if we look at 2012, you've got an</p> <p>14 infection rate on the 996.66 -- or on the first red</p> <p>15 line you've got an infection rate of a little over</p> <p>16 four percent, and then you've got another line a</p> <p>17 little under five percent; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So that was --</p> <p>20 Your conclusion is the rates of joint</p> <p>21 infections as of 2012?</p> <p>22 A. This is a rate, so the --</p> <p>23 There are two different rates here. And</p> <p>24 again, I'd have to look up the procedure codes. I'm</p> <p>25 not really sure what the denominators represent.</p>